HONORABLE JAMES L. ROBART 1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE 10 MICROSOFT CORPORATION, 11 No. C10-1823-JLR Plaintiff, 12 **SUPPLEMENT TO JOINT NOTICE** v. 13 OF RULINGS IN RELATED CASES MOTOROLA, INC., et al., 14 **Noted For: May 21, 2012** Defendants. 15 MOTOROLA MOBILITY, INC., et al., 16 Plaintiffs, 17 v. 18 MICROSOFT CORPORATION, 19 Defendant. 20 Microsoft Corporation ("Microsoft") and Motorola, Inc. (nka Motorola Solutions, Inc.), 21 Motorola Mobility, Inc., and General Instrument Corporation (collectively "Motorola") hereby 22 supplement their May 4, 2012 Joint Notice of Ruling in Related Case and Motion to 23 Supplement the Record on Summary Judgment (Dkt. No. 308) (the "Joint Notice"). 24 25

| 1  | In connection with the parties' May 4 Joint Notice, the parties submitted under seal a                                    |  |  |
|----|---|--|--|
| 2  | non-public version of the Initial Determination issued by Administrative Law Judge David P.                               |  |  |
| 3  | Shaw on April 23, 2012 (the "Initial Determination") in <i>In the Matter of Certain Gaming and</i>                        |  |  |
| 4  | Entertainment Consoles, Related Software, and Components Thereof, ITC Investigation No.                                   |  |  |
| 5  | 337-TA-752 (the "ITC Action"). A copy of the public version of the Initial Determination,                                 |  |  |
| 6  | issued by Judge Shaw on May 11, 2012 is attached hereto as Exhibit A.   |  |  |
| 7  | On May 4, the parties also each submitted partial non-certified translations of a May 2,                                  |  |  |
| 8  | 2012 order issued in a related action pending in Mannheim, Germany. Attached hereto as                                    |  |  |
| 9  | Exhibit B is Motorola's certified translation of the May 2, 2012 opinion issued by the German                             |  |  |
| 10 | court in General Instrument Corp. v. Microsoft Deutschland GmbH, Case No. 2 O 240/11.                                     |  |  |
| 11 | Attached hereto as Exhibit C is Microsoft's certified translation of the May 2, 2012 opinion                              |  |  |
| 12 | issued by the German court in General Instrument Corp. v. Microsoft Corp. and Microsoft                                   |  |  |
| 13 | Ireland Operations Limited, Case No. 2 O 387/11, which has been consolidated with Case No.                                |  |  |
| 14 | 2 O 240/11. The substance of the two German orders is materially the same with respect to                                 |  |  |
| 15 | any issues potentially relevant to this matter.   |  |  |
| 16 | DATED this 21st day of May, 2012.   |  |  |
| 17 |   |  |  |
| 18 | DANIELSON HARRIGAN LEYH & SUMMIT LAW GROUP PLLC TOLLEFSON LLP   |  |  |
| 19 | By s/ Arthur W. Harrigan, Jr. By s/ Ralph Palumbo   |  |  |
| 20 | Arthur W. Harrigan, Jr., WSBA #1751 Ralph Palumbo, WSBA #4751 Christopher Wion, WSBA #33207 Philip S. McCune, WSBA #21081 |  |  |
| 21 | Shane P. Cramer, WSBA #35099  Lynn M. Engel, WSBA #21934  ralphp@summitlaw.com  |  |  |
| 22 | philm@summitlaw.com   |  |  |
| 23 | lynne@summitlaw.com   |  |  |
| 24 |   |  |  |
| 25 |   |  |  |

| ı   | I .  |   |
|-----|--|---|
| 1   |  |   |
| 2   | Py T. Androw Culbert                                       | By K. McNeill Taylor, Jr.                     |
|     | By <u>T. Andrew Culbert</u> T. Andrew Culbert, WSBA #35925 | K. McNeill Taylor, Jr. Motorola Mobility Inc. |
| 3   | David E. Killough, WSBA #21119                             | MD-W4-150                                     |
| 4   | MICROSOFT CORPORATION                                      | 600 North U.S. Highway 45                     |
| 4   | 1 Microsoft Way  | Libertyville, IL 60048-1286                   |
| 5   | Redmond, WA 98052  | Phone: 858-404-3580                           |
|     | Phone: 425-882-8080  | Fax: 847-523-0727                             |
| 6   | Fax: 425-869-1327  |   |
|     |  | Steven Pepe (pro hac vice)                    |
| 7   | John W. McBride, (pro hac vice)                            | Jesse J. Jenner (pro hac vice)                |
| o   | David T. Pritikin, (pro hac vice)                          | Ropes & Gray LLP                              |
| 8   | Richard A. Cederoth, (pro hac vice)                        | 1211 Avenue of the Americas                   |
| 9   | Douglas I. Lewis, (pro hac vice)                           | New York, NY 10036-8704                       |
|     | SIDLEY AUSTIN LLP  | (212) 596-9046                                |
| 10  | One South Dearborn   | steven.pepe@ropesgray.com                     |
|     | Chicago, IL 60603  | jesse.jenner@ropesgray.com                    |
| 11  | Phone: 312-853-7000  |   |
| 10  | Fax: 312-853-7036  | Norman H. Beamer (pro hac vice)               |
| 12  |  | Ropes & Gray LLP                              |
| 13  | Brian R. Nester, (pro hac vice)                            | 1900 University Avenue, 6 <sup>th</sup> Floor |
| 13  | SIDLEY AUSTIN LLP  | East Palo Alto, CA 94303-2284                 |
| 14  | 1501 K Street NW   | (650) 617-4030                                |
|     | Washington, DC 20005                                       | norman.beamer@ropesgray.com                   |
| 15  | Telephone: 202-736-8000                                    |   |
|     | Fax: 202-736-8711  |   |
| 16  | Council for Microsoft Com                                  |   |
| 17  | Counsel for Microsoft Corp.                                |   |
| 1 / |  |   |
| 18  |  | Paul M. Schoenhard (pro hac vice)             |
|     |  | Ropes & Gray LLP                              |
| 19  |  | One Metro Center                              |
| 20  |  | 700 12 <sup>th</sup> Street NW, Suite 900     |
| 20  |  | Washington, DC 20005-3948                     |
| 21  |  | (202) 508-4693                                |
| 21  |  | Paul.schoenhard.@ropesgray.com                |
| 22  |  | 1 0 7   |
|     |  | Counsel for Motorola Solutions, Inc.,         |
| 23  |  | Motorola Mobility, Inc., and General          |
| _   |  | Instrument, Corp.                             |
| 24  |  |   |
| 25  |  |   |
|     |  |   |